

AN ORDINANCE

**98556**

**AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT GRANTING THE RIGHT TO CENTerview PROFESSIONAL BUILDING, L.P., A TEXAS LIMITED PARTNERSHIP, TO USE, MAINTAIN AND CONSTRUCT A PLAYGROUND AND TO PLACE A FENCE OVER A 10-FOOT BY 95-FOOT PORTION OF CALLAGHAN ROAD PUBLIC RIGHT OF WAY AT A NEW CHILDREN'S DAY CARE FACILITY AT 6110 CALLAGHAN ROAD, IN NCB 14277, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$5,004.00.**

\* \* \* \* \*

**WHEREAS**, Centerview Professional Building, L.P., (Petitioner) will be using, maintaining and constructing a playground and will be placing a fence over a 10 foot by 95 foot portion of Callaghan Road public right of way; thus, Petitioner has requested that the City grant a License allowing the right to use such public right of way; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, is hereby authorized to execute a License Agreement, Memorandum of License Agreement and any other related instruments, as first reviewed and approved by the City Attorney, granting Centerview Professional Building, L.P., as Licensee, the right to use public right of way across Callaghan Road for the use, maintenance and construction of a playground for a ten (10) year term for a License Fee of \$5,004.00. Copies of the License Agreement and Memorandum of License Agreement, executed on behalf of the Licensee, are both attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes. Said use is further shown on **Exhibit "B"** attached hereto and incorporated herein for all purposes.


**SECTION 2.** The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a letter agreement, a copy of which is attached hereto as **Exhibit "C"** and incorporated herein verbatim for all purposes.

**SECTION 3.** The License Fee shall be deposited into Fund 11-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement – Use of ROW."

**SECTION 4.** The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Number as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This ordinance shall take effect on the 14th day of December 2003.


**PASSED AND APPROVED** this 4th day of December 2003.

  
M A Y O R  
EDWARD D. GARZA

**ATTEST:**

  
for City Clerk

**APPROVED AS TO FORM:**

  
for City Attorney